

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

FILED
U.S. DISTRICT COURT
2009 NOV 25 AM 11:20
CLERK *n. Sanders*
SOUTHERN DISTRICT OF GA.

UNITED STATES OF AMERICA

v.

DEMORY L. HERRIN

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INDICTMENT NO. CR507-00010-001

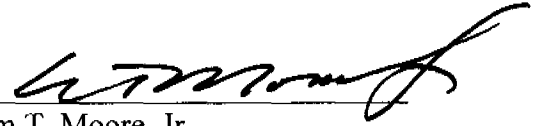
ORDER

On April 30, 2008, the Court sentenced Defendant to a custodial term of 46 months, following his plea of guilty to possession with intent to distribute a quantity of methamphetamine. At the time of sentencing, Defendant had been in custody since February 23, 2007, and was in the primary custody of state authorities. As of this writing, Defendant has not yet begun serving his federal term, as he is currently serving a revoked state probation term. According to the Georgia Department of Corrections, Defendant is tentatively scheduled for parole in December 2010.

As it now stands, the Bureau of Prisons will likely run the instant federal sentence consecutively to Defendant's state custodial term. The Court did not address this issue at sentencing, and Defendant has written to the Court from prison, essentially asking if this is what the Court intended to have occur. The Court therefore wishes to advise the Bureau of Prisons that it desires for the instant federal sentence to be served *partially concurrently* with Defendant's state custodial term. Specifically, the Court desires for Defendant to serve 12 months in state custody before the running of his 46-month federal sentence commences, so that Defendant serves a total custodial term of approximately 58 months.

This recommendation from the Court should be incorporated into the original judgment entered as to Defendant on April 30, 2008.

SO ORDERED, this 25th day of November, 2009.

A handwritten signature in black ink, appearing to read 'W. T. Moore, Jr.', written over a horizontal line.

William T. Moore, Jr.
Chief Judge, U. S. District Court